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6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF COOS**

8 **BONNIE L. SANDERS,**

9 Plaintiff,

10 vs.

11 **RITE AID CORPORATION, a**
12 **Pennsylvania Corporation,**

13 Defendant.

Case No 21CV47860

COMPLAINT
(Personal Injury - \$187,988.06)

CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION

DEMAND FOR JURY TRIAL

ORS 21.160(1)(c) – Fee \$594.00

14
15 Plaintiff alleges:

16 **FIRST CLAIM – PRODUCTS LIABILITY CLAIM**

17 1.

18 Due to the amount prayed for herein this claim is not subject to mandatory arbitration.

19 2.

20
21 At all times material, plaintiff was an invitee of Rite Aid Pharmacy #05379 at their store located
22 at 2040 Broadway, North Bend, Oregon.

23 3.

24 At all times material, defendant Rite Aid Corporation was and is a corporation doing business in
25 Oregon, and is a pharmacy and store authorized to conduct business in the state of Oregon.

26 ///

1 4.

2 On or about October 22nd, 2020, plaintiff purchased several prescriptions at Rite Aid Store #05379
3 in North Bend, Oregon. The clerk placed the prescription bottles in a bag and handed the bag to plaintiff.
4 As plaintiff turned to leave the pharmacy counter, the prescription bag opened at the bottom and the
5 prescriptions scattered out onto the floor, causing plaintiff to slip and fall and causing her injuries and
6 damages set forth herein.
7

8 5.

9 The prescription bag was dangerously defective at the time it was sold to the plaintiff in that the
10 bottom of the bag was not sealed and could not hold prescription bottles as expected by the plaintiff.
11

12 6.

13 As a reasonably foreseeable result of the products liability and negligence of defendant, plaintiff
14 has suffered the following permanent injuries and non-economic damages:

- 15 a. Damage to the muscles, ligaments, tendons, nerves and other structures of her left leg and
16 foot;
- 17 b. Displaced fracture of lateral malleolus of the left fibula requiring surgery;
- 18 c. Pain and suffering; and
- 19 d. Inconvenience and interference with normal and usual activities, apart from gainful
20 employment.

21 All to plaintiff's non-economic damage in an amount to be proven at trial not to exceed the sum of
22 \$150,000.
23

24 7.

25 As a reasonably foreseeable result of the products liability and negligence of defendants,
26 plaintiff has incurred the following economic damages:

- 1 a. Expenses for past reasonable and necessary medical treatment in an amount to be proven at
2 trial not to exceed the amount of \$34,088.06;
3 b. Loss of profits in an amount to be proven at trial not to exceed the amount of \$3,900.00.
4 All to plaintiff's economic damage in the sum of \$37,988.06.

5
6 SECOND CLAIM – NEGLIGENCE

7 8.

8 Plaintiff realleges paragraphs 1-7 above, as though repeated verbatim.

9 9.

10 Defendant and its agents, or apparent agents, were negligent in one or more of the following
11 particulars:

- 12 a. Not removing from the store the box of bags they knew to be faulty;
13 b. In providing a faulty bag to plaintiff; and
14 c. In failing to warn plaintiff of the faulty bag before handing the same to her.
15

16 **WHEREFORE**, plaintiff prays for judgment against defendant for \$150,000 in noneconomic
17 damages, \$37,988.06 in economic damages, and for her costs and disbursements incurred herein.

18 DATED: December 16th, 2021.

19 SHLESINGER & deVILLENEUVE
20 ATTORNEYS, P.C.

21
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